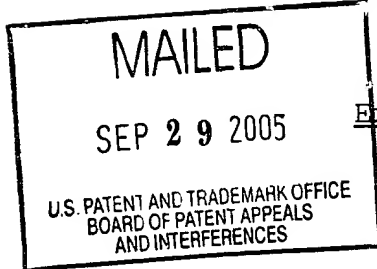


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte SHLOMO BEN HAIM, URI YARON
and AVRAHAM MATCOVITCH

Application No. 09/379,540

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 21, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed Information Disclosure Statements (IDS's) on February 26, 2001 and November 24, 2003. It is not clear from the record whether the examiner considered the statements submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

In addition, appellants filed an Appeal Brief on October 6, 2003. A review of the Appendix to the Brief reveals that claim 1 is not the correct copy according to the latest amendment entered on January 27, 2003.

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Accordingly, it is

ORDERED that the application is electronically returned to the examiner for:

(1) consideration of the IDS's filed on February 26, 2001 and November 24, 2003;

(2) written notification to appellants of consideration of IDS's;


(3) to notify appellants to submit a corrected Appendix to the Brief filed on October 6, 2003, or for the examiner to submit a corrected copy of claim 1;

(4) and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


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Program and Resource Administrator
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DMS/clm/jg

Application No. 09/379,540

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